

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

R&B Department- Khammam District -Court case - Sanction for payment of Decretal amount as advance from Contingency fund for depositing before court in ASMP No. 3129/2012 in ASMP No.922/2010 in ASSR. No. 3085/2010 against O.S. No. 76/1993 - Accorded - Orders - Issued.

TRANSPORT, ROADS AND BUILDINGS (R-III) DEPARTMENT

G.O.Rt.No. 97

Dated: 23-1- 2013

Read the following.

- 1.G.O.Rt.No.863, TR&B (R.III) DEPT, dt: 07-09-2010.
2. From ENC (R&B) SR, Hyderabad Letter. No.22539 /DEE5/
AEE4/ 2009 dt: 28 -12-2012

ORDER:

In the reference 2nd read above, the E-in-C (R&B) SR, Hyd., has stated that Sri Yanadi Reddy, contractor has filed a O.S.No.76/1993 in the Principal Senior Judge Court at Kothagudem for payment towards claims on the work "Improvements to the road from Yellandu-Dornakal (via) Gate Karepally road from Km 0/0 to 28/0 (WR. Km 9/6 to 25/00) in Khammam District. The case was argued in the Principal Senior Civil Judge Court at Kothagudem and the Hon'ble Judge issued decree in favour of the contractor. Based on the letter of SE(R&B) Khammam, the Govt., was addressed vide their office letter dt: 16-11-2009 for according sanction of decretal amount of Rs.10,55,000/-. In the reference 1st read above, the Govt. have accorded sanction of Rs. 5,20,000/- towards payment of half of the enhanced compensation amount based on the revised calculation furnished by the EE(R&B) Kothagudem.

2. The ENC (R&B) SR, Hyderabad has further stated that the Executive Engineer (R&B) Kothagudem have deposited the sanctioned amount with the Senior Civil Judge, Kothagudem vide his letter dt:30-11-2010. Sri.K.Yanadi Reddy has filed E.A.66/2011 in the Hon'ble Principal Senior Civil Judge court, Kothagudem praying to issue cheque deposited by the Department (Respondent) as per oral instructions of the Hon'ble High Court. The Hon'ble Principal Senior Civil Judge, Kothagudem have delivered orders that there are no directions to this court authorizing the petitioner to receive amount. The Contractor has filed CRP.No.1139/2011 in the Hon'ble High Court requesting for the deposited amount and the Hon'ble High Court of A.P., have delivered judgment on 03-12-2012 that the CRP petition decree holder has since drawn the said money, the Revision is disposed off. The EE(R&B) Kothagudem has submitted draft counter to the Govt. Pleader against the ASMP No 922/2010 in the Hon'ble High Court of Andhra Pradesh, appeals, Hyderabad in 26-07-2012 for condone delay petition. The same is pending in the Hon'ble High Court.

3. The contractor has again filed the petition in the lower court i.e., Principal Senior Civil Judge, Kothagudem requesting to grant the balance amount together with interest. The Hon'ble Principal Senior Civil Judge, Kothagudem in EP no: 299 of 2009 have issued the orders for attachment of property of EE (R&B), Kothagudem Office. Subsequently, the Hon'ble High Court have issued orders in ASMP No.3219 / 2012 dt:17-12-2012 that "subject to condition of the appellants depositing a further sum of Rs 2,00,000/-within six weeks from today and there shall be interim stay".

4. The ENC (R&B) SR, Hyderabad has requested to accord sanction for the above amount of Rs 2, 00,000/- as per High Court orders so as to deposit the same to avoid further legal complications.

5. Government, after careful examination of the proposal of the Engineer-in-Chief (R&B) State Roads, Hyderabad, hereby accord sanction for an amount of Rs.2.00.000/- (Rupees two Lakhs only) towards payment of decretal amount for depositing before the court in ASMP No. 3129/2012 in ASMP No.922/2010 in ASSR. No. 3085/2010 against O.S. No. 76/1993.

(p.t.o.)

6. The amount sanctioned in Para (5) above shall be met initially by way of an advance from the contingency fund from the Head of Account "MH 5054-Capital out lay on Roads and Bridges, 04-District and Other Roads, MH-800-Other Expenditure,GH-11-Normal State Plan, SH(08)-Other Roads, 530-Major Works, 532-Lands (charged)"

7. The E-in-C (R&B) SR, Hyderabad shall draw the amount sanctioned in Para (5) above and take necessary action.

8. The E-in-C (R&B), SR, Hyderabad shall send necessary proposals to Government during the current financial year 2012-2013 at appropriate time for obtaining supplementary Grant to recoup the advance sanctioned from the contingency fund.

9. This order issues with the concurrence of Finance (Expr. PW) Department vide their U.O. No 1500/60 /Expr.PW-II/13, dt.19.1.2013.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.SINGH
PRINCIPAL SECRETARY TO GOVERNMENT

To

The E-in-C (R&B), State Roads, Hyderabad.

Copy to:

The Principal Accountant General, A.P. Hyderabad

The Finance (Expr. PW) Dept.

The Finance (Bg) Dept.

The Director of Works Accounts, Hyd

The Pay and Accounts Officer (works), Khammam.

The P.S. to Minister (R&B)

The P.S. to Prl. Secy.,R&B Dept.

The Executive Engineer (R&B), Kothagudam.

SF/Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER